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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,913

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Reinhard Kernchen

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EXAMINER

LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

09/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,913	Applicant(s) KERNCHEN ET AL.	
	Examiner F. DANIEL LOPEZ	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/29/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in fig 2, the first inlet (claim 22), the pressure generating device (claim 24), and the first blade (claim 32), with a channel incorporated in the first blade (claim 35) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Since the claims claim a first valve, it is understood that the claims only are related to the embodiment of fig 2, since the embodiment of fig 1 does not show any valves. There are numerous errors, rejected under 112, in the claims. If these are not errors, the limitations must be shown in the drawings.

The drawings are objected to because element 28 must be labeled pressure generating device.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 22-41 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22 line 6-7 “a first inlet allowing the operating medium into said working chamber” is confusing, since the first inlet is somehow connected to the tank, not the working chamber. It is understood that the second inlet (line 10) allows operating medium into the working chamber.

In claim 23 line 4 “said second means” has no antecedent basis. Is the second device of line 3 meant to be the second means?

In claim 24 line 2 “said second device” is confusing, since it appears to be the second means or third device of claim 23.

In claim 28 line 2-3 “a second valve arranged between said first and second inlets” is wrong, since the second valve (e.g. 9) is connected to the reservoir, but not to the same inlet as the first valve (30). In claim 28 line 3-4 “said second valve leading into said working chamber” appears to be wrong, since it only leads to the circuit, which further leads to the working chamber.

In claim 31 does not further limit claim 30, since if the second inlet is “in a core chamber in a region of a central diameter of said working chamber “ (claim 30 line 2-3) it must be in the working chamber.

In claim 34 line 4 “an operating medium delivery or filling chamber” should be either --an operating medium delivery chamber-- or --a filling chamber--, since the element should not have alternate names.

In claim 36 line 2-3 “said operating medium or filling chamber is arranged on an outer circumference of a blade wheel” appears to be wrong, since the filling chamber is indicated as being in an inner circumference rather than an outer circumference.

In claim 40 line 3-7 (emphasis added) “receiving a signal that a desired filling operation has been **accomplished** and in response to said signal, coupling of the hydrodynamic modular unit to an operating medium source after a standing still or in a drained state for filling of an inlet and an outlet” is wrong, since the signal received is to start a desired filling operation, not that it is accomplished (i.e. finished).

Claims not specifically mentioned are indefinite, since they depend from one of the above claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-41, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by Schust et al. Schust et al discloses a hydrodynamic unit (especially fig 2a) and method of operating comprising primary and secondary impellers (2, 3) forming a working chamber fillable with operating medium; second inlet (e.g. connected to 15) and first outlet (e.g. connected to 13), coupled together in a closed circuit (13, 15), allowing operating medium into and out of the working chamber, respectively; a first device including a first valve (21), which connects the closed circuit to a first inlet of a pressure generating device (pump in line 17), and a second valve (connected to 18); wherein the second inlet is connected to a ring shaped filling chamber (22) via a plurality of channels (unnumbered, shown e.g. in fig 6a), incorporated into blades of one of the impellers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez
Primary Examiner
Art Unit 3745
September 14, 2009